

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7988

In Re: BERNARD SMITH,

Petitioner.

On Petition for Writ of Prohibition.
(CA-04-3829-8-DKC)

Submitted: February 24, 2005

Decided: March 9, 2005

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Bernard Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Bernard Smith petitions for writ of prohibition. He seeks an order preventing his release to the Maryland Department of Corrections.

A writ of prohibition is a drastic remedy which should be granted only where the petitioner's right to the requested relief is clear and indisputable. See In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983); In re Missouri, 664 F.2d 178, 180 (8th Cir. 1981). Further, a writ of prohibition should be granted only where the petitioner has no other adequate means of relief, In re Banker's Trust Co., 775 F.2d 545, 547 (3d Cir. 1985), and a writ of prohibition may not be used as a substitute for the normal appellate process. Missouri, 664 F.2d at 180.

The relief sought by Smith is not available by way of writ of prohibition. Accordingly, although we grant Smith's motion to proceed in forma pauperis, we deny the petition for a writ of prohibition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED